

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,182
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) terminating his daughter from the Dr. Dynasaur medical program. The issue is whether the petitioner's daughter is no longer eligible for the program once she turns 18. The pertinent facts are not in dispute.

FINDINGS OF FACT

1. The petitioner lives with his wife and two children, one of whom, a daughter, is a high school student who turned 18 in October 2002.

2. On August 28, 2002 the Department notified the petitioner that his daughter would no longer be eligible for Dr. Dynasaur medical benefits effective October 31, 2002 because of her reaching her eighteenth birthday that month.

3. Effective November 1, 2002 the Department found the petitioner's daughter over-income for VHAP, but eligible for the Healthy Vermonters Program and for ANFC-related Medicaid

once she meets a spenddown of \$2,723.16 in the ensuing six-month period.

4. The petitioner does not dispute the Department's determinations of his daughter's age and family income. The petitioner's wife is eligible for limited prescription drug benefits under VHAP. His daughter does not qualify for that program because (unlike her mother) she does not have any dependents and is, thus, subject to a higher income threshold. See Medicaid Manual § 4001.84. His daughter has high monthly prescription drug costs, although not high enough to meet her Medicaid spenddown. The petitioner takes issue with the lack of provisions in the Department's overall benefit scheme that would allow better medical coverage to individuals of his daughter's age and situation.

ORDER

The Department's decision is affirmed.

REASONS

Section 3001.22 of the Department's Medicaid regulations provides that coverage under Dr. Dynasaur terminates "at the end of the month in which the individual turns 18". Whatever policy considerations may apply, the petitioner has not shown that the Department's age and income guidelines for its

various programs violate any statutory intent. Inasmuch as the Department has correctly applied its regulations in this case its decisions must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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